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BOARD OF PATENT APPEALS
AND INTERFERENCES

NEIFELD DOCKET NO: CAT/29US-SCROCO

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: Scroggie et al.

USPTO CONFIRMATION CODE: 5333

SERIAL NO: 09/401,939

FILED: 9/23/1999

EXAMINER: Stephen Gravini

GROUP ART UNIT: 3622

FOR: System and Method for Providing Shopping Aids and Incentives to Customers Through a Computer Network

37 CFR 1.321 TERMINAL DISCLAIMER OVER A PATENT BY ATTORNEY

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

Sir:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

Catalina Marketing International, Inc. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 013159, frame(s) 0638.

Catalina Marketing International, Inc. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 5,970,469, and hereby agrees that any patent so granted on said above captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,970,469, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Catalina Marketing International, Inc. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of Patent No. 5,970,469 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

1/21/2005
DATE


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